

BOARD OF SELECTMEN MEETING

Tuesday, September 20, 2016

A meeting of the Rockport Board of Selectmen was held at 6pm on Tuesday, September 20, 2016 with five selectpersons, the Town Administrator and the Asst. Town Administrator. Selectpersons Sheedy and Wilkinson arrived late.

6:00 Meeting Called to Order

Executive Session – MGL Ch. 30A §21(a)3 Strategy Relative to Collective Bargaining (AFSCME Supervisors, and AFSCME General Unit

Entering Executive
Session
Motion Approved

Executive Session: Selectperson Campbell moved that the Board of Selectmen enter into Executive Session under MGL Chapter 30A, §21(a)3 to discuss strategy with respect to collective bargaining with the AFSCME Supervisors Unit and AFSCME General Unit, Selectperson Battistelli seconded, Roll call vote: Selectperson Battistelli - aye, Selectperson Campbell – aye, Chairman Murphy - aye, all in favor.

Chairman Murphy: “We are entering executive session because, by not doing so, it would be detrimental to the Town’s bargaining position. The Board will reconvene in Open Session.”

7:00 Pledge of Allegiance and Moment of Silence

Public Comment Period: Frederick Tarr, 154 Main St., spoke on Thacher’s and Straitsmouth Island, and recommends improved facilities for personal watercraft. T. Arsenian, 95 Granite St., spoke on the Old Harbor Road property, he said the Board recently granted a permanent easement to the owners, he said he had asked how much the town was going to get, also the easement granted at the Front Beach structure over the seawall. He questioned why was that treated differently and the other had to go before Town Meeting, and how much does the town collect on that one. He hears that no favors are done and there is complete transparency, he has asked the questions in public and would like the answers in public. The Town Administrator said the fees are nominal (\$1), unless the Board of Selectmen chooses to change that. She said the difference is that Front Beach is a license not a lease. They may come back and ask for a lease. Selectperson Wilkinson said they had been using the town’s property for decades. T. Arsenian said he doesn’t believe \$1 is appropriate. Representatives should be present at the pre-Town Meeting; the Government and By-Law Committee and Planning Board were not represented, and those members should be present if they have articles.

Public Comment
Period

Joseph Muzio, 7 Normanstone Drive, said he has asked questions about signs several months ago. He has an inventory of signs he has observed and recorded. Some examples of signs he has seen are: Solar Panels, primary election, for rent, landscaping services, contractor signs, real estate signs, sale pending, sale concluded, open house, painting, self-storage, home repair, fence installation signs, concrete construction, blending of commercial signs in residential areas. These signs are all on public property. The Town Administrator said those signs that are on public property should be removed. It was recommended to have Building Inspector Paul Orlando attend an upcoming Board of Selectmen meeting.

Approval of 9/6/16
Minutes
Motion Approved

Approval of Minutes of September 6, 2016: Selectperson Battistelli moved that the Selectmen approve the minutes of September 6, 2016, Selectperson Campbell seconded, Vote: 4-0; Selectperson Wilkinson abstained as she was not present on 9/6/16.

Selectmen Updates
and Liaison Reports

Selectmen Updates and Liaison Reports: Selectperson Campbell reported that there is a snag with the donation of a mailbox to be used for flag disposal; he's still trying to find another one.

7:25 Action List

Approval of
HarvestFest to be
held on 10/15/16
Motion Approved

- Approval of HarvestFest to be held on October 15, 2016: Selectperson Wilkinson moved that the Selectmen grant permission to the Rockport Exchange organization to hold the annual Rockport Harvestfest on Saturday, October 15, 2016 from 10 am to 6 pm with permission to utilize Dock Square and T-Wharf, erect tents in both places, close Dock Square to auto traffic from 8 am on Friday, October 14th to 6 pm on Saturday, October 15th, close Mt. Pleasant Street between High Street and Broadway from 6 am to 6 pm on Saturday, October 15th and restrict T-Wharf parking to festival vendors, and commercial fisherman only, beginning on Friday, October 14th until Saturday, October 15th at the close of the festival, as well as permission to reserve 6 parking spaces on High Street and 4 parking spaces in Dock Square for festival musicians and entertainers, Selectperson Sheedy seconded, Vote: 5-0.

Permission for
Rockport New
Year's Eve to use
Town Hall Annex,
12/31/16
Motion Approved

- Permission for Rockport New Year's Eve, Inc. to use the Town Hall Annex on December 31, 2016: Selectperson Campbell moved that the Selectmen grant permission to Rockport New Year's Eve, Inc. to use the Town Hall Annex from 4 pm to 12:30 am on Saturday, December 31, 2016 as a New Year's Rockport Eve venue, Selectperson Wilkinson seconded, Vote: 5-0.

Approval to Hire
Asst. Wastewater
Treatment Plant
Foreman Motion
Approved

- Approval to Hire an Assistant Wastewater Treatment Plant Operator/Foreman Replacement: Selectperson Sheedy moved that the Selectmen approve the hiring of an Assistant Wastewater Treatment Plant Operator/Foreman to fill a vacancy due to a retirement, Selectperson Wilkinson seconded, Vote: 5-0.

Approval to Hire
Asst. Wastewater
Treatment Plant
Specialist Motion
Approved

- Approval to Hire an Assistant Wastewater Treatment Plant Specialist: Selectperson Battistelli moved that the Selectmen approve the hiring of an Assistant Wastewater Treatment Plant Specialist to fill a vacancy due to a retirement, Selectperson Sheedy seconded, Vote: 5-0.

Approval of FY
'17 Merit
Bonuses
Motion
Approved

- Approval of FY17 Merit Bonuses: Selectperson Wilkinson moved that the Selectmen accept the Personnel Board's recommendation for the distribution of Merit Bonuses to the listed non-union employees based on their Performance Evaluation ratings, Selectperson Battistelli seconded, Vote: 5-0.

One Day Alcohol
License for
HarvestFest
Motion
Approved

- One Day Alcohol License for HarvestFest: Selectperson Campbell moved that the Selectmen approve and sign a One Day Alcohol License for the Rockport Exchange on October 15, 2016, Selectperson Wilkinson seconded, Vote: 5-0.

Permission for
Feather & Wedge
to Operate
Pending Public
Hearing on
Alcohol Reg.
Revisions
No Vote Taken

- Permission for Feather & Wedge to Operate Pending Public Hearing and Alcohol Regulations Revisions: Selectperson Sheedy moved that the Selectmen grant permission for Feather & Wedge to operate pending a public hearing to discuss revisions to the Alcohol Regulations, Selectperson Wilkinson seconded, no vote taken.

Selectperson Sheedy moved to dissolve the original motion, seconded by Selectperson Wilkinson, Vote: 5-0.

Dissolve Original Motion – Motion Approved

Selectperson Campbell moved that in the two week period leading up to the review of the regulations that Feather and Wedge take down the wall of wine just for the two week period pending the review of the regulations, seconded by Selectperson Wilkinson, Vote: 1-4, Selectperson Campbell in favor, motion not approved.

Move that visible wine bottles be taken down pending review, Motion not Approved

Selectperson Sheedy moved that the board schedule a public hearing on October 18, 2016 for the review of the alcohol regulations by the Board of Selectmen, seconded by Selectperson Battistelli, Vote: 5-0.

Schedule a public hearing on 10/18/16 to review alcohol regulations Motion Approved

Selectperson Campbell said there is precedent to address this. He said it's a beautiful restaurant, a "feather in the cap"; he said it is a violation in his eyes. There is an easy solution on this. He questioned if we would feel the same about Budweiser bottles.

Selectperson Wilkinson said she was on the original committee on alcohol regulations. She said we have taken action in the past, the actual law was that you could not serve alcohol without a meal. Our regulations have not caught up to the law; the regulations and policies must keep up with the town meeting votes and the ballots.

Selectperson Battistelli said we need to know what prior violations occurred and in what timeframe.

Cheryl Aparo said she is in favor of the restaurant, she said they have built several projects and have come before various boards, in some cases it has been several years. She questioned how this approval happened so fast with the bottles in the window. How questioned how did this come up after the restaurant opened.

Charmain Blanchard, 16-1/2 King St., said she is in favor of the restaurant; they have put in so much time and effort. She doesn't want them to be shut down; it's not the liquor issue; this issue was deliberated 14 years ago. She said the current rules and regulations that they cannot have the bottles visible from the street and the word "bar" is in violation. She said the rules need to be objectively adhered to.

T. Arsenian, 95 Granite St., said he agrees with C. Blanchard; he questioned how this got to this point.

T. Collins, 1 Marbee Road, said he agrees with C. Blanchard.

Charles Gladstone, owner of Feather and Wedge, said he has been working on this project for more than one year. He said he has been very encouraged by the town. He said there is a process in town and people follow it the best they can. He reviewed the rules and regulations and doesn't see anything about bottles being visible in the windows.

Jaime Madeja, 2 Holbrook Court, said the rules are clear to her; alcohol is not to be displayed. There is a difference of opinion here on how the laws are applied. It needs to be clear. She said the certificate of occupancy is invalid, she questions how the Board of Selectmen has authority here today. A permit is granted by the building inspector when it is compliant. The proper solution is to treat everyone the same.

Ian Crowne said there is no reference under "physical premises" to any restrictions that you can't see bottles in the 11/3/15 regulations. It does say "no screens, "no advertising matter", or "obstruction".

Jim Ugone, 33 Main Street, said the owners have done a great job; he doesn't know how this happened. They came before all the boards and presented their information.

Tony Beedle, 81 South Street, said it's hard to ignore that everyone wants to keep to the letter of the regulations. He said we don't want to discourage other restaurants from coming to Rockport.

C. Blanchard questioned how the town is going to rectify the violation and if the town is going to own this problem.

Sandy Jacques said there were several other instances in town where the liquor license was revoked.

2016 Crack Seal
Program
Contract
Motion
Approved

- 2016 Crack Seal Program Contract: Selectperson Battistelli moved that the Selectmen approve and sign a contract agreement with Superior Sealcoat of 236 Andover Street, Wilmington, MA for the 2016 Crack Seal Program for \$55,620, Selectperson Sheedy seconded, Vote: 5-0.

Pigeon Cove
Wharf Lease
Agreements
Motion
Approved

- Pigeon Cove Wharf Lease Agreements with Steven Thibodeau, Kyle Nelson, Dustin Ketchopulos and Colby Polisson: Selectperson Battiselli moved that the Selectmen approve and sign Pigeon Cove Land Leases with Steven Thibodeau, Kyle Nelson, Dustin Ketchopulos and Colby Polisson to expire on June 30, 2017, Selectperson Sheedy seconded, Vote: 5-0.

Services
Contract for
Rechia Statue
Refurbishment
Motion
Approved

- Services Contract for Rechia Statue Refurbishment: Selectperson Campbell moved that the Selectmen approve and sign a services contract with Sculpture and Decorative Arts Conservation Services, LLC of 9 Josephine Avenue, Somerville, MA to provide professional restoration services for the Baby and Frog Sculpture as specified by the Town of Rockport, Selectperson Battistelli seconded, Vote: 5-0. This was part of the Community Preservation funds that were approved three years ago, these funds were allocated in the grant of 2011, \$5,500.

Town
Administrator
Employment
Contract
Motion
Approved

- Town Administrator Employment Contract: Selectperson Sheedy moved that the Selectmen approve and sign an employment contract with Linda Sanders from July 1, 2016 through October 8, 2019, Selectperson Wilkinson seconded, Vote: 5-0.

Den Mar
Ground Lease
Consent &
Estoppel
Motion
Approved

- Den Mar Ground Lease Consent & Estoppel: Selectperson Battistelli moved that the Selectmen grant consent to Care Capital Properties, Inc. to sublease the premises known as Den-Mar to Wachusett Ventures, LLC and ask the Chairperson to sign the Consent and Estoppel Certificate to that effect, Selectperson Sheedy seconded, Vote: 5-0.

20 Old County
Road
Reassignment to
Joseph Raffol
Living Trust –
Family Transfer
Motion
Approved

- 20 Old County Road Lease Reassignment to the Joseph E. Raffol Living Trust to Reflect a Family Transfer: Selectperson Wilkinson moved that the Selectmen approve and sign a lease for 20 Old County Rd. with Joseph E. Raffol, Trustee and Jane A. Raffol, Trustee or their successors in trust, under the Joseph E. Raffol Living Trust, dated July 5, 2016 having an address of 11 Alba Lane, Dedham, Massachusetts to reflect a family transfer, Selectperson Battistelli seconded, Vote: 5-0.

Notice of Lease
for Chicataubut
Condominium
Trust at 44 Long
Beach, Motion
Approved

- Notice of Lease for Chicataubut Condominium Trust at 44 Long Beach: Selectperson Campbell moved that the Selectmen approve and sign a Notice of Lease for 44 Long Beach with the Chicataubut Condominium Trust, 44 Long Beach, Rockport, Massachusetts, Selectperson Wilkinson seconded, Vote: 5-0.

- Green Community Task Force: Bruce Reed, Chair, said this initiative started about one year ago. Other Task Force members are: J. D. Herlihy, J. Waddell, D. Perry, T. Mikus, E. Hand, M. Aylward. He said they are close to the end; they had a meeting last night and are putting the plan together. They need to find 20% energy cost reduction over the course of a few years. He said there are obligations on the part of the town as well; grants can be applied for as well. There are some Board of Selectmen obligations (letter that confirms that only smaller vehicles with at least 29 mpg will be purchased, the schools are involved as well). The letters need to be submitted to the state by 11/21/16; more details will be coming. Guardian has been in town 5 times. There is a comprehensive plan for the schools; they spent some time in the library as well. The town will receive approximately \$140,000, there could be up to \$60,000 in incentives. J. Waddell said that's in year #1. In following years we can compete for other grants.

Green
Community Task
Force

- Cape Ann Chamber of Commerce: Ken Riehl and Peter Webber presented the Chamber activities for Rockport. They are visiting and presenting to all communities on Cape Ann to update them on activities. Matt Anzivino from Rockport Inn & Suites is the Chamber's Chairman this year. The Chamber assisted over 5,000 visitors to Rockport this year and they staffed the visitor booth. Rockport USA is the website for the chamber advertising Rockport; there were over 250,000 hits on that website each year. K. Riehl said 75,000 Cape Ann Visitor Guides are printed, businesses that want to advertise their businesses can advertise there. He said cruise ships have visited this year; the Chamber takes a lead role but it is a group effort. Chairman Murphy said he would like to see a "Cape Ann" sign near Gordon College on Rte. 128. P. Webber said a Cape Ann license plate is in the works.

Cape Ann
Chamber of
Commerce9:10 Discussion Items

Discussion Items

- FTM Debrief: R. Visnick, Town Moderator, was presenting. He said he thought the Fall Town Meeting was a good one. He said there were standing microphones and perhaps more people to move speakers along might be better. He said we could probably start the meeting earlier. He said we need to be more diligent about slides; some portions were very dense with slides. It could have been more efficient. The Government and By-Law Committee wanted to tell the voters that they were still working on changing the day of town meeting. Clickers would provide more privacy around resident votes; sharing clickers with Manchester would make sense.

Fall Town
Meeting
Debriefing

T. Arsenian, 95 Granite Street, Planning Board resolution should have gone further. An Article is no substitute for a petition. R. Visnick said he disagrees with T. Arsenian on the resolution. The owner of a petition can withdraw it. R. Visnick said someone could move to postpone consideration of a petition until a future time. T. Arsenian said on some petition articles, people don't get the wording that they need. He said a month before the meeting the Government and By-Law Committee or Town Counsel should be available to review or assist with the wording. R. Visnick said when we are getting them at the last minute, and it's difficult to expect Town Counsel to review it at the last minute.

9:35 Selectperson Sheedy moved to adjourn, seconded by Selectperson Wilkinson, Vote: 5-0.

Items signed:

9/22/16 Payroll warrant \$113,896.11 and expenses \$352,411.26 for a total of \$446,045.56.

Contract for Art restoration

Rockport Exchange Special License

Notice of Lease, Chicataubut Condo Trust

Lease Agreement, 20 County Road

Consent and Estoppel Certificate, Den-Mar

Contract Agreement 2016 Crack Seal Program

Town Administrator Contract of Employment

Lease Steven Thibodeau, commercial lobstering and storage of related gear

Lease Kyle Nelson, commercial lobstering and storage of related gear

Lease Dustin Ketchopulos, commercial lobstering and storage of related gear

Lease Colby Polisson, commercial lobstering and storage of related gear

Robin Jackson, Loco-Motion, operation of a laundromat